



Regulatory Affairs

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NL-18-0926

Southern Nuclear Operating Company Comments on "Draft Letter to the Nuclear Energy Institute
Regarding the Clarification of Regulatory Paths for Lead Test Assemblies,"
Docket ID NRC-2018-0109

Dear Ms. Ma:

In response to Federal Register Notice 83 FR 26503 released on June 7, 2018, Southern Nuclear Operating Company (SNC) is hereby providing comments on the "Draft Letter to the Nuclear Energy Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies," (Docket ID NRC-2018-0109).

SNC agrees with the regulatory approach provided by the NRC in the draft letter to NEI and believes that to be a reasonable and achievable regulatory framework. However, SNC offers the following comments with the belief that they represent the most accurate regulatory path for Lead Test Assembly (LTA) campaigns based on our review of the applicable regulations. SNC comments have been included in the attachment to this letter. Additionally, SNC has reviewed and agrees with the comments submitted by the Nuclear Energy Institute on behalf of the industry.

This letter contains no NRC commitments. If you have any questions, please contact me at 205.992.5998.

Respectfully submitted,

Cheryl A. Gayheart
Fleet Regulatory Affairs Director

CAG/kmo/cag

Attachment: SNC Comments on Docket ID NRC-2018-0109

cc: Southern Nuclear Operating Company
Mr. M. D. Meier, Vice President – Regulatory Affairs
Mr. J. B. Williams, Nuclear Fuels and Analysis Director
SNC Document Services - RType: CGA02.001

**Southern Nuclear Operating Company Comments on “Draft Letter to the Nuclear Energy
Institute Regarding the Clarification of Regulatory Paths for Lead Test Assemblies,”
Docket ID NRC-2018-0109**

Attachment

SNC Comments on Docket ID NRC-2018-0109

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#	Identifier (Section, Page, Paragraph)	Comment	Proposed Resolution
1.	Page 5, "Regulatory Path 1", First Paragraph	<p>The first paragraph is ok up to the word "provision". The remainder of the last sentence totally contradicts the preceding discussion on the STS provision. The provision is in the TS, therefore, it is in the operating license. It provides permission to use LTAs subject to the provisions; therefore, it is redundant and out of process to require a licensee to then apply a process (10 CFR 50.59) to determine if NRC permission is required for the aspects of the LTA program to which TS 4.2.1 applies.</p> <p>NOTE: All subsequent comments are predicated on the premise put forth in this comment.</p>	<p>SNC recommends that the first paragraph be terminated at the word "provision," and the remainder of the last sentence be deleted.</p> <p>In addition, the following sentence should be added: "For the aspects of an LTA campaign to which the provisions of TS 4.2.1 apply, 10 CFR 50.59 is not applicable."</p>
2.	Page 5, "Regulatory Path 1", Second Paragraph	<p>Based on Comment 1 above, eliminate the discussion of 10 CFR 50.59 in the second paragraph.</p>	<p>SNC recommends replacing second paragraph in its entirety with the following:</p> <p>"As described above, licensees complete core reload analyses before refueling the reactor. The NRC staff notes that a licensee can consider an LTA campaign as part of the core reload and evaluate it as part of the normal reload design process."</p>
3.	Page 5, "Regulatory Path 1", General Comment	<p>Discussion of 10 CFR 50.59 for Regulatory Path 1 is in contradiction with the first sentence in Regulatory Path 2 (RP2). RP2 is for those that either do not have the provision or do not meet the STS provision and invokes 10 CFR 50.59. Conversely, if a licensee has the provision and meets the provision (i.e., Regulatory Path 1) then invoking 10 CFR 50.59 is not required.</p>	<p>This comment is clarified by the proposed resolution to Comment 1.</p>

SNC Comments on Docket ID NRC-2018-0109

#	Identifier (Section, Page, Paragraph)	Comment	Proposed Resolution
4.	Page 5, "Regulatory Path 2"	See proposed resolution.	SNC recommends adding the following sentence to the end of the paragraph for Regulatory Path 2: "The paragraphs below provide LTA-specific guidance related to 10 CFR 50.59."
5.	Page 6, Third Paragraph	This is not applicable because of the comments above about 10 CFR 50.59 not being applicable if the TS contains the provisions.	SNC recommends replacing this paragraph with: "If a licensee's TS does not contain a provision allowing for use of LTAs, or the provisions are not met, a change to that TS is not required. However, there may be other aspects of the LTA campaign that may require a TS change (item (i) above)."
6.	Page 6, First Paragraph, First sentence	It appears that this sentence is referring to "test or experiments" as defined in 10 CFR 50.59(a)(6).	SNC recommends replacing this entire paragraph with: "For LTA campaigns that are determined to be a test or experiment not described in the UFSAR as defined in 10 CFR 50.59(a)(6), the licensee must determine if a license amendment is required pursuant to 10 CFR 50.90 as specified in 10 CFR 50.59(c)(1). The other definitions in 10 CFR 50.59(a) may also trigger the need to make such a determination."
7.	Page 6, After Third Paragraph	Provide an option to add provisions of STS.	SNC recommends adding the following standalone sentence or paragraph: "If a licensee determines that a TS change or a license amendment is required pursuant to 10 CFR 50.59(c)(1), the licensee may choose to propose TS change to include the STS provisions."

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#	Identifier (Section, Page, Paragraph)	Comment	Proposed Resolution
8.	Page 7, Last Paragraph Above "Exemptions"	As discussed above, 10 CFR 50.59 is not applicable to Regulatory Path 1, and this paragraph needs to be modified to remove discussion of the STS provision.	<p>SNC recommends revising the paragraph to read:</p> <p>"Section 4.3.8.2 of NEI 96-07, Revision 1, provides guidance for changing from one method of evaluation to another. For LTA campaigns that do not affect the performance of safety-related SSCs (i.e., the COLR limits, Chapter 15 UFSAR analyses remain applicable and bounding, etc.), the method of evaluation used in establishing the design bases will remain the same, and the licensee may not meet this criterion (and thereby would not need to request a license amendment due to this criterion)."</p>